THE BOMBAY LAND IMPROVEMENT SCHEMES ACT, 1942.

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†BOMBAY ACT No. XXVIII OF 1942.[1]

[THE BOMBAY LAND IMPROVEMENT SCHEMES ACT, 1942.]

[*25th January 1943*]

Amended by Bom. 3 of 1944.†
" " " 7 of 1945.†[2]
" " " 73 of 1948.
" " " 38 of 1949.
Repealed in part and amended by Bom. 53 of 1949.
Adapted and modified by the Adaptation of Laws Order, 1950.
Amended by Bom. 8 of 1953.
" " " 51 of 1954.

An Act to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the Province of Bombay and for charging certain expenditure on the revenues of the Province.

WHEREAS it is expedient to provide for the making and execution of schemes relating to the construction of tanks, embankments and other works, the prohibition and control of grazing for the purposes of preservation of soil, prevention of soil erosion, improvement of water supply and other matters in order thereby to protect and improve lands and crops in the Province of Bombay and for charging certain expenditure on the revenues of the Province ;

26 Geo. 5, ch. 2. AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Land Improvement Schemes Act, 1942.

(*2*) It shall extend to the whole of the [3][State] of Bombay.

(*3*) It shall come into force in such area and on such date as the [4][State] Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " Board " means a Board constituted under section 3.

[5][(*2*) " Director of Agriculture " means the officer appointed for the time being to be the Director of Agriculture and includes any officer appointed by the [4][State] Government to perform the duties of the Director of Agriculture under this Act.

(*2A*) " Divisional Soil Conservation Officer " means the officer appointed for the time being to be the Divisional Soil Conservation Officer.

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†These Acts were repealed and re-enacted by Bom. 29 of 1948, s. 2.
[1] For Statement, see *Bombay Government Gazette*, 1943, Part IV, page 44.
[2] For retrospective operation of this Act, *see* sec. 22, Bom. 7 of 1945.
[3] This word was sub-stituted for the word " Province " by the Adaptation of Laws Order, 1950.
[4] This word was substituted for the word " Provincial ", *ibid.*
[5] Clauses (*2*), (*2A*) and (*2B*) were substituted for clause (*2*) by Bom. 73 of 1948, s. 2.

(*2B*) " District Agricultural Officer " means the officer appointed for the time being to be the District Agricultural Officer.]

[1][(*2C*) " Executing Officer " means an officer appointed by the Board under sub-section (*1*) of section 11].

(*3*) " Inquiry Officer " means an officer appointed as such by the Board.

(*4*) " Owner " includes an owner in severalty, in common or joint, an occupant as defined in the Bombay Land Revenue Code, 1879, a privileged occupant as defined in the Khoti Settlement Act, 1880, [2][a tenant] and a mortgagee in possession [3][and the expressions " owning " and " own " shall be construed accordingly.] Bom. V of 1879. Bom. I of 1880.

(*5*) " Prescribed " means prescribed by rules made under this Act

[4]* * * * * *

(*7*) " Scheme " means a land improvement scheme prepared under this Act.

[5][(*7A*) " Soil Conservation Officer " means the officer appointed for the time being to be the Soil Conservation Officer.

(*7B*) " Tenant " means an agriculturist who holds land on lease and includes a person lawfully cultivating any land belonging to another person if such land is not cultivated personally by the owner and if such person is not—

(*a*) a member of the owner's family, or

(*b*) a servant on wages payable in cash or kind but not in crop share or a hired labourer cultivating the land under the personal supervision of the owner or any member of the owner's family.

Explanation.—A person shall not be deemed to be a tenant under this Act if such person has been on an application made by the owner of the land as provided under section 2A of the Bombay Tenancy Act, 1939, declared by a competent authority not to be a tenant.] Bom. XXIX of 1939.

(*8*) The words and expressions used in this Act, but not defined, shall have the meaning assigned to them in the Bombay Land Revenue Code, 1879. Bom. V of 1879.

CHAPTER II.

Constitution of Boards and Preparation of Land Improvement Schemes.

Constitution of Boards.

3. [6][(*1*) The [7][State] Government shall constitute in each district a Board consisting of the Collector, the District Agricultural Officer, the Divisional Soil Conservation Officer and such non-official persons not exceeding two as may be appointed by the [7][State] Government.

(*1A*) The Divisional Soil Conservation Officer shall be the Secretary of the Board.]

(*2*) If there is a difference of opinion among the members of the Board regarding any question under the provisions of this Act the decision of the majority of the members shall prevail.

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[1] Clause (*2A*) which was renumbered as clause (*2C*) by Bom. 73 of 1948, s. 2(*b*), was inserted by Bom. 7 of 1945, s. 2(*a*), read with Bom. 29 of 1948, s. 2.

[2] These words were substituted for the original by Bom. 73 of 1948, s. 2(*c*).

[3] These words were added, *ibid.*

[4] Clause (*6*) was deleted by Bom. 53 of 1949, s. 2, First Schedule.

[5] Clauses (*7A*) and (*7B*) were inserted by Bom. 73 of 1948, s. 2(*d*).

[6] Sub-sections (*1*) and (*1A*) were substituted for sub-section (*1*), *ibid.* s. 3.

[7] This word was substituted for the word " Provincial " by the Adaptation of Laws Order, 1950.

Power of Board to direct preparation of land improvement scheme and matters for which scheme may be prepared.

4. (*1*) The Board may direct the preparation of a land improvement scheme of any area within its jurisdiction. A scheme may make provision for any of the following matters, namely :—

(*i*) preservation and improvement of soil ;
(*ii*) prevention of erosion of soil ;
(*iii*) improvement of water supply ;
(*iv*) introduction of dry farming methods ;
(*v*) improvement in the methods of cultivation ;
(*vi*) reclamation of waterlogged land or of land from the sea ;
(*vii*) prohibition or control of grazing ;
(*viii*) control and maintenance of tree growth ;
[1][(*viiia*) regulation or prohibition of firing of vegetation ;]
[2][(*viiib*) cultivation of waste or fallow land ;]
[3][(*viiic*) eradication of hariyali or any other kind of weed or vegetation which is likely injuriously to affect, or interfere with, cultivation ;]
(*ix*) such other matters not inconsistent with the objects of this Act as may be prescribed.

[4][(*2*) On such direction being issued by the Board, the Board shall appoint an officer to prepare, in accordance with such instructions as it may issue, a draft scheme containing the following particulars, namely :—

(*i*) the objects of the scheme ;
(*ii*) the approximate area of the lands to be included in the scheme ;
(*iii*) the work or kind of work to be carried out under the scheme ;
(*iv*) the agency or agencies through which the work shall be carried out ;
(*v*) such other particulars as may be prescribed.]

Publication of scheme and inviting objections.

[5]**[5.** (*1*) The draft scheme prepared under section 4 shall be submitted to the Board which shall either approve the scheme with or without modifications and appoint an Inquiry Officer, or reject it.

(*2*) The scheme approved by the Board under sub-section (*1*) shall be published in the *Official Gazette* and in the village and at the headquarters of the taluka or mahal and of the district in which the lands proposed to be included in the scheme are situate.

(*3*) The Board shall, [6][simultaneously with the publication of the scheme in the *Official Gazette* under sub-section (*2*)] require all persons affected by the scheme who wish to make any objections to the scheme or part thereof to submit their objections in writing to the Inquiry Officer or appear before him, within twenty-one days of [7][such publication.]

Report of Inquiry Officer.

6. (*1*) The Inquiry Officer shall hear such objections as are made to him in person, consider all objections duly submitted under section 5 and submit his report together with the objections to the Board.

(*2*) The Inquiry Officer may, while submitting his report under sub-section (*1*), recommend any modifications which in his opinion are required in any of the particulars contained in the scheme approved by the Board under sub-section (*1*) of section 5.]

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[1] Clause (*viii-a*) was inserted by Bom. 7 of 1945, s. 4(*i*), read with Bom. 29 of 1948, s. 2.
[2] This clause was inserted by Bom. 73 of 1948, s. 4.
[3] This clause was inserted by Bom. 38 of 1949, s. 2.
[4] Sub-section (*2*) was substituted by Bom. 7 of 1945, s. 4 (*iii*), read with Bom. 29 of 1948, s.2.
[5] Sections 5 and 6 were substituted for the original sections, *ibid.*, s. 5.
[6] These words, brackets and figures were substituted for " on publication of the Scheme " by Bom. 3 of 1948, s. 5 (*a*).
[7] These words were substituted for " the publication of the Scheme in the *Official Gazette* under sub-section (*2*) " *ibid*, s. 5 (*b*).

7. [*Decision of disputed claims.*] *Rep. by Bom. 7 of 1945, s. 6, read with Bom. 29 of 1948, s. 52.*

8. [*Report of Inquiry Officer.*] *Rep. by Bom. 7 of 1945, s. 6, read with Bom. 29 of 1948, s. 2.*

Power of Board to sanction scheme with or without modifications.

[1][**9.** (*1*) After consideration of the objections and the report submitted under sub-section (*1*) of section 6 and of any further report which the Board may require the Inquiry Officer to submit, the Board may sanction the scheme with or without modifications or reject it:

Provided that if not less than 33 per cent. of the total number of the owners of the land included in the scheme other than the Crown, or owners other than the Crown owning in the aggregate not less than 33 per cent. of the land included in the scheme have made objections to the scheme or part thereof, the Board shall submit the scheme to the Provincial Government for its orders. The Provincial Government may thereupon sanction the scheme with or without modifications or reject it.

(*2*) The scheme as sanctioned under sub-section (*1*) shall be published in the *Official Gazette*, and in the village and at the headquarters of the taluka or mahal and of the district in which the lands included in the scheme are situate and shall on such publication be final.]

Effect of scheme.

10. On the date on which the scheme is published in the *Official Gazette* under sub-section [2][(*2*)] of section 9, it shall come into force and shall have effect as if it were enacted in this Act.

Power of Provincial Government or of Board to make regulations.

[3][**10A.** For the purpose of carrying out the objects of a scheme which has come into force under section 10, [4][the Provincial Government or] the Board may make regulations requiring any person or [5]* * persons or the public generally to take certain action or to refrain from doing certain acts in respect of any matters supplementary and incidental to the scheme.]

CHAPTER III.

EXECUTION OF THE SCHEME.

Power to enforce scheme.

[6][**11.** (*1*) After a scheme has come into force under section 10, the Board shall appoint an officer to execute it.

(*2*) Every owner of land included in the scheme shall pay the costs or part costs, as the case may be, of the works which under the scheme are carried out by the Crown in his land at the cost or part cost of the owner.

(*3*) If any owner of the land included in the scheme desires to carry out himself any works which under the scheme are to be carried out in his land by the Crown at the cost or part cost of the owner, he shall give notice in writing to that effect to the Executing Officer within twenty-one days of the publication of the scheme in the *Official Gazette* under section 9.

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[1] This section was substituted for the original by Bom. 7 of 1945, s. 7 read with Bom. 29 of 1948, s. 2.

[2] The brackets and figure "(*2*)" were substituted for the brackets and figure "(*3*)" *ibid.*, s. 8.

[3] This section was inserted by Bom. 3 of 1944, s. 2, read with Bom. 29 of 1948, s. 2.

[4] These words were inserted by Bom. 7 of 1945 s. 9, read with Bom. 29 of 1948, s. 2.

[5] The words "class of" were deleted by Bom 73 of 1948, s. 6.

[6] This section was substituted for the original by Bom. 7 of 1945, s. 10, read with Bom. 29 of 1948, s. 2.

(*4*) On receipt of such notice, the Executing Officer shall inform the owner of the works which are to be carried out in his land, and shall fix the date before which the owner shall carry out the works.

(*5*) If such owner fails to carry out any work to the satisfaction of the Executing Officer before the date fixed by him or at any time expresses in writing to the Executing Officer his inability to do so, the Executing Officer may himself get the work carried out and the expenses incurred by the Executing Officer for the purpose shall be recovered from the owner.

(*6*) Where the owner of any land included in the scheme is the [1][Government], the Department of Government which has the control or management of such land, or the Executing Officer directed in this behalf by the Board or the [2][State] Government, as the case may be, shall carry out the works which the [1][Government] is liable to carry out under the scheme.]

Liability of persons whose land are not included in scheme to contribution.

12. (*1*) If, in consequence of any work carried out [3]* * * * under the scheme [4][any person, including the [1][Government] other than the owner of the land in which the work is done,] is likely to be benefited, he shall pay such amount [5][as the [2][State] Government may determine as contribution to the owner of the land, if the work has been carried out by the owner, or to the [2][State] Government, if the work has been carried out by the Executing Officer] :

Provided that the [2][State] Government may excuse payment of such contribution in whole or in part in respect of any work carried out by it [6][in land belonging to the [1][Government].

[7][(*2*) The amount shall be paid within such time as may be specified by the [2][State Government].

Penalty.

[8][**12A.** Any person who contravenes or causes any contravention of any of the provisions of a scheme which has come into force under section 10, or any of the regulations made under section 10A, or does any act which causes damage to any of the works carried out under the scheme, or fails to fulfil any liability imposed upon him under section 13 or sub-section [9][(*4*)] of section 25 [10][or of section 25A] shall, on conviction, be punishable with fine which may extend to fifty rupees or with simple imprisonment for a period which may extend to one month, or with both.]

CHAPTER IV.

MAINTENANCE, REPAIR AND USE OF WORKS CARRIED OUT UNDER THE SCHEME.

Statement.

[11][**13.** (*1*) The Executing Officer shall prepare a statement giving for any specified area the following particulars—

(*a*) (*i*) the work done ;

(*ii*) the cost thereof ;

(*iii*) the total amount to be recovered from the owners ;

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[1] This word was substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

[2] This word was substituted for the word "Provincial", *ibid.*

[3] The words "by the owner of any land" were deleted by Bom. 7 of 1945, s. 11(*i*), read with Bom. 29 of 1948, s. 2.

[4] These words were substituted for the words "any other person, including the Crown", *ibid.*, s. 11 (*ii*).

[5] These words were substituted for the words "to the owner of the land as contribution as the Board may determine" by Bom. 73 of 1948, s. 7 (*a*).

[6] These words were inserted by Bom. 7 of 1945, s. 11 (*iv*), read with Bom. 29 of 1948, s. 2.

[7] This sub-section was substituted for the original by Bom. 73 of 1948, s. 7 (*b*).

[8] This section was inserted by Bom. 3 of 1944, s. 3, read with Bom. 29 of 1948, s. 2.

[9] The brackets and figure "(*4*)" were substituted for the brackets and figure "(*5*)" by Bom. 7 of 1945, s. 12, read with Bom. 29 of 1948, s. 2.

[10] The words, figures and letter "or of section 25A" were inserted by Bom. 51 of 1954, s. 2.

[11] This section was substituted for the original, by Bom. 7 of 1945, s. 13.

(*iv*) the general rate per acre or per rupee of assessment per annum at which such amount is to be recovered from the owners ;

(*v*) the period within which such amount is to be recovered ;

[1][(*vi*) the work which, in his opinion, shall be maintained and repaired individually or jointly and the names of such person or persons ;]

(*b*) If in the case of any survey number or sub-division of a survey number the owner is not liable to maintain or repair works therein, or if the cost is to be recovered from an owner at a rate other than the general rate, a list of such survey numbers or sub-divisions, and the rate at which the cost is to be recovered from the owner of such survey numbers or sub-divisions ;

(*c*) a map showing the work carried out in the village ;

(*d*) such other matters as may be prescribed.

(*2*) When the statement is prepared under this section any rights and liabilities shown therein shall be entered in the record of rights maintained under Chapter X-A of the Bombay Land Revenue Code, 1879, and in the village accounts in such manner as the [2][State] Government may prescribe and shall thereupon form part of such record of rights and of the village accounts.] Bom. V of 1879.

Obligation of persons to maintain and repair works.

[3][**14.** (*1*) Every person shown in the statement prepared under section 13 as liable to maintain and repair work shall, to the satisfaction of [4][the Divisional Soil Conservation Officer] and within such time as the said officer may fix, maintain and repair the work in his own land and in any other land in respect of which he is shown as liable in the said statement.

(*2*) If such person fails to maintain or repair the work within the time fixed by [4][the Divisional Soil Conservation Officer] under sub-section (*1*), [4][the Divisional Soil Conservation Officer] shall himself get the work maintained or repaired and the cost of so doing shall be recovered from the person.]

[5][(*3*) If [4][the Divisional Soil Conservation Officer] is of opinion that an emergency has arisen and that the immediate repair of any work referred to in sub-section (*1*) is necessary in the general interest, he shall carry out such repair and the cost of such repair shall be paid by the owner of the land on which the repair has been] carried out.

(*4*) [4][The Divisional Soil Conservation Officer] shall, as soon as practicable, make report to the [2][State] Government regarding such repair.]

CHAPTER V.

MISCELLANEOUS.

Payment and recovery of amount.

[6][**15.** Any amount or instalment thereof payable under section 11, 12 [7][or 14] which is not paid on the date when it becomes due under this Act shall be deemed to be an arrear of land revenue due on account of the land for the benefit of which the scheme has been sanctioned under this Act or the work is or repairs are carried out and shall be recoverable as such arrear by any of the methods specified in section 150 of the Bombay Land Revenue Code, 1879.] Bom. v of 1879.

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[1] This clause was substituted for the original by Bom. 73 of 1948, s. 8.

[2] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[3] This section was substituted for the original by Bom. 7 of 1945, s. 14, read with Bom. 29 of 1948, s. 2.

[4] These words were substituted for the words "the Land Improvement Officer", by Bom. 53 of 1949, s. 3, Second Schedule.

[5] These sub-sections were added by Bom. 73 of 1948, s. 9.

[6] This section was substituted for the original, *ibid.*, s. 10.

[7] The word, and figures "or 14" were substituted for the figures, word and letter "14 or 25A" by Bom. 8 of 1953, s. 2.

Right of entry.

16. For the purpose of preparing, sanctioning or executing any scheme [1][or repairing or maintaining any works under any scheme], any person authorised by [2][the Board, the Collector] or [3][the Divisional Soil Conservation Officer] may, after giving such notice as may be prescribed to the owner, occupier or other person interested in any land, enter upon, survey and mark out such land, and do all acts necessary for such purpose.

Inquiries to be held summarily.

17. (*1*) Any authority other than a Board empowered under this Act to make an inquiry shall make the inquiry in the manner provided for holding a summary inquiry under the Bombay Land Revenue Code, 1879, and all the provisions contained in the said Code relating to the holding of a summary inquiry shall, so far as may be, apply.

Bom. V of 1879.

(*2*) Such authority as well as a Board shall have the same powers for summoning and enforcing the attendance of any person and examining him on oath and compelling the production of documents as are vested in the revenue officers under the Bombay Land Revenue Code, 1879.

Bom. V of 1879.

Permission to owners to increase rent on account of improvements effected.

18. Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the owner of any land included in a scheme to enhance the rent payable by a tenant of the land by such amount and subject to such conditions as may be prescribed.

Registration of document, plan or map in connection with land improvement scheme not required.

19. (*1*) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any document, plan, or map prepared, made or sanctioned in connection with a scheme which has come into force.

XVI of 1908.

(*2*) All such documents, plans and maps shall, for the purpose of sections 48 and 49 of the Indian Registration Act, 1908, be deemed to be registered in accordance with the provisions of that Act :

XVI of 1908.

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

20. [*Delegation of powers by Provincial Government.*] *Rep. by Bom. 7 of 1945, s. 16, read with Bom. 29 of 1948, s. 2.*

Delegation.

[4][**21.** The [5][State] Government and subject to the control of the [5][State] Government the Collector or [3][the Divisional Soil Conservation Officer may delegate to any officer any of the powers conferred on it or him or any of] the functions to be performed by it or him by or under this Act.]

Certain officers to be public servants.

22. The members and Secretary of a Board, the Inquiry Officer and any officer or person authorised or appointed by the Board, the Collector, [3][the Divisional Soil Conservation Officer] or the [5][State] Government under sub-section (*2*) of section 4, sub-section (*1*) of section 11, [6]* * * * section 16, [7][section 21] or sub-section (*2*) of section 25, as the case may be, shall be deemed to be public servants within the meaning of the Indian Penal Code.

XLV of 1860.

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[1] These words were inserted by Bom. 7 of 1945, s. 15 (*i*), read with Bom. 29 of 1948, s. 2.
[2] These words were substituted for the words "the Board or the Collector", *ibid.*, s. 15 (*ii*).
[3] These words were substituted for the words "the Land Improvement Officer" by Bom. 53 of 1949, s. 3, Second Schedule.
[4] This section was substituted for the original by Bom. 73 of 1948, s. 11.
[5] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[6] The words, brackets and figures "sub-section (*2*) of section 12" were deleted by Bom. 53 of 1949, s. 2, First Schedule.
[7] The word and figures "section 21" were inserted by Bom. 73 of 1948, s. 18.

Protection of persons acting in good faith and limitation of suits and prosecutions.

23. (*1*) No suit, prosecution or other legal proceedings shall be instituted against any public servant or person duly authorised under this Act in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder.

(*2*) No suit or prosecution shall be instituted against any public servant or person duly authorised under this Act in respect of anything done or intended to be done, under this Act, unless the suit or prosecution has been instituted within six months from the date of the act complained of.

Power to make rules.

24. (*1*) The [1][State] Government may, by notification published in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may be made to determine the following matters, namely :—

[2][(*i*) the matters to be prescribed under clause (*ix*) of sub-section (*1*) and clause (*v*) of sub-section (*2*) of section 4 ;

(*ii*) the matters to be prescribed under clause (*d*) of sub-section (*1*) of section 13 ;

(*iii*) the manner in which the rights and liabilities shown in the statement prepared under section 13 shall be entered in the record of rights maintained under Chapter X-A of the Bombay Land Revenue Code, 1879, and in the village accounts under sub-section (*2*) of section 13 ; Bom. V of 1879.

(*iv*) the manner of giving notice under section 16 ;

(*v*) the manner in which documents, plans and maps shall be made accessible to the public under section 19 ;

[3]* * * * * * *

[4]* * * * * * *

(*3*) The rules made under this section shall be subject to the condition of previous publication.

Power of State Government to direct preparation of scheme in certain circumstances.

[5][**25.** (*1*) Notwithstanding anything contained in this Act, the State Government may direct the preparation of a scheme providing for any of the matters specified in sub-section (*1*) of section 4 in any area in the following cases, namely :—

(*i*) where the State Government or any trust contributes not less than 25 per cent. of the cost of the scheme ;

(*ii*) if any person or authority is willing to contribute not less than 25 per cent. of the estimated cost of the scheme ;

[6]* * * * * * *

(*iv*) if in the opinion of the State Government land improvement is necessary in the interest of any persons who are members of the armed forces of the Union or who were such members and have retired or the dependants of such persons ; or

(*v*) if in the opinion of the State Government the scheme is necessary in the interest of the public.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

[2] Clauses (*i*) to (*vi*) were substituted for the original clauses (*i*) to (*viii*) by Bom. 7 of 1945, s. 19, read with Bom. 29 of 1948, s. 2.

[3] Clause (*vi*) was deleted by Bom. 8 of 1953, s. 3.

[4] Clause (*viii*) inserted by Bom. 3 of 1944, s. 5 (*2*), was repealed by Bom. 7 of 1945, s. 19, read with Bom. 29 of 1948, s. 2.

[5] Section 25 was substituted for the original sections 25 and 25A by Bom. 8 of 1953, s. 4.

[6] Clause (*iii*) was deleted by Bom. 51 of 1954, s. 3.

(*2*) Along with such direction or any time thereafter, the State Government may authorize the Board to appoint an officer to prepare, in accordance with such instructions as the Board may issue, a draft scheme containing the particulars specified in sub-section (*2*) of section 4. The officer so appointed shall prepare a draft scheme accordingly and submit it to the Board for approval.

(*3*) After the scheme is submitted to the Board for approval under sub-section (*2*), the provisions of section 5 and the sections following the said section and the rules made under section 24 shall, so far as they can be made applicable, apply in respect of such scheme.

(*4*) Notwithstanding anything contained in sub-section (*3*), the owner of the land in which any work has been carried out for the purposes of a scheme under this section be liable, pending the preparation of the statement under section 13 to maintain the work to the satisfaction of the Divisional Soil Conservation Officer and repair it to his satisfaction within such time as he may fix.

The provisions of sub-section (*2*) of section 14 shall apply in respect of the owner's liability under this sub-section.]

Power of State Government to direct preparation and execution of scheme in area declared to be famine or scarcity area.

[1][**25A.** (*1*) Notwithstanding anything contained in this Act, if the State Government is of opinion that a state of famine or scarcity prevails or is likely to prevail in any area, it may make a declaration to that effect. Such declaration shall be published in the *Official Gazette*. On the publication of such declaration, the State Government may direct the Collector to appoint an officer as the Executing Officer for the purpose of immediately constructing embankments in such villages as may be specified. Such direction shall also require the Board to prepare a scheme providing for matters specified in clauses (*i*) and (*ii*) of sub-section of (*1*) section 4 or any other matters specified in sub-secton (*1*) of that section in such villages.

(*2*) On the issue of a direction under sub-section (*1*), the Board shall ask the Executing Officer to prepare a draft scheme, including therein all the works undertaken by him under sub-section (*1*), and other works in accordance with such instructions as the Board may issue, containing the particulars specified in sub-section (*2*) of section 4. Such Executing Officer shall prepare a draft scheme accordingly and submit it to the Board for its approval.

(*3*) The draft scheme submitted to the Board may be approved by it without modification, or with such modification as shall not affect the work carried out by the Executing Officer under sub-section (*1*). The scheme so approved by the Board shall be published in the *Official Gazette* and in the village in which the lands included in the scheme are situate. On the date on which the scheme is published in the village, it shall come into force and shall have effect as if it were enacted in this Act. The provisions of section 10A and the sections following the said section and the rules made under section 24 shall, so far as they can be made applicable, apply in respect of such scheme as if it were a scheme which has come into force under section 10.

(*4*) Notwithstanding anything contained in sub-section (*3*), the owner of the land in which any work has been carried out for the purposes of a scheme under this section shall be liable, pending the preparation of the statement under section 13, to maintain the work to the satisfaction of the Divisional Soil Conservation Officer and repair it to his satisfaction within such time as he may fix and the provisions of sub-section (*2*) of section 14 shall apply in respect of the owner's liability under this section.

[1] Sections 25A and 25B were inserted by Bom. 51 of 1954, s. 4.

Power to revoke scheme.

25B. If upon an application made by the Board, the State Government is satisfied that it is necessary so to do, the State Government may, at any time, by notification in the *Official Gazette*, revoke any scheme after it has come into force and upon such revocation the provisions of this Act, except section 15, shall cease to apply to such scheme. Such notification shall also be published in the village and at the headquarters of the taluka or mahal and of the district in which the lands included in such scheme are situate.]

Expenditure incurred by [1][State] Government to be charged on revenues of [2][State].

26. The expenditure incurred by the [1][State] Government in pursuance of anything done under this Act shall be charged on the revenues of the [2][State.]

Savings.

[3][**27.** All Boards constituted for a division under section 3 shall be dissolved on the day on which the new Boards shall be constituted under section 3 as amended by the Bombay Land Improvement Schemes (Amendment) Act, 1948 : Bom. LXX-III of 1948.

Provided that any direction issued, appointments made, scheme sanctioned, regulation made and all things done by the first mentioned Board shall be deemed to have been lawfully issued, made, sanctioned or done and any scheme so sanctioned shall be executed by the new Board constituted as aforesaid in the district in which the land in respect of which such scheme is made is situate :

Provided further that if such land is situate within the limits of more than one district the [1][State] Government shall decide which of the Boards shall execute the scheme in respect thereof.

Validation of constitution and acts of Board.

28. Notwithstanding anything contained in this Act, the Board constituted, any directions issued, appointments made, scheme approved, regulations made and all things done by or on behalf of the Board, before the date on which the Bombay Land Improvement Schemes (Amendment) Act, 1948, came into force shall be deemed to be and to have always been validly constituted, issued, made, approved or done and shall not be deemed to have been invalidly constituted, issued, made, approved or done by reason only of the fact that the Agricultural Commissioner or the Director of Agricultural Engineering acted as a member of the Board before the said date. Bom. LXX-III of 1948.

Saving of Khar lands.

29. Nothing in this Act shall apply to Khar lands in respect of which a scheme is or has been sanctioned under the Bombay Khar Lands Act, 1948.] Bom. LXX-III of 1948.

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[1] This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
[2] This word was substituted for the word "Province", *ibid.*
[3] Sections 27, 28 and 29 were added by Bom. 73 of 1948, s. 13.